

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JOHN DOE,

Plaintiff,

v.

UNIVERSITY OF MICHIGAN, ET AL.,

Defendants.

Case No. 18-11776

SENIOR U. S. DISTRICT JUDGE  
ARTHUR J. TARNOW

U.S. MAGISTRATE JUDGE  
ELIZABETH A. STAFFORD

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**ORDER ADOPTING REPORT AND RECOMMENDATION [151]; GRANTING  
DEFENDANTS' MOTION TO STAY [102]; DENYING WITHOUT PREJUDICE  
PLAINTIFF'S MOTION FOR ATTORNEY FEES [95] AND DEFENDANTS' MOTION TO  
COMPEL [103]; AND DENYING AS MOOT PLAINTIFF'S MOTION TO AMEND BILL OF  
COSTS [106]**

On June 4, 2018, Plaintiff John Doe commenced this 42 U.S.C. § 1983 action claiming, *inter alia*, that Defendant University of Michigan's Policy and Procedures on Student Sexual and Gender-Based Misconduct and Other Forms of Interpersonal Violence deprived students of due process in violation of the Fourteenth Amendment.

While Defendants' appealed this Court's March 23, 2020 Order [91], parties filed a series of post-judgment motions: Plaintiff's Motion for Attorney Fees [95]

filed on April 7, 2020, Defendants’ Motion to Stay Plaintiff’s attorney fees motion [102] filed on April 12, 2020, Defendants’ Motion to Compel [103] filed on April 13, 2020, and Plaintiff’s Motion to Amend Bill of Costs [106] filed on April 15, 2020. Each motion, except for Plaintiff’s Motion to Amend Bill of Costs [106], was fully briefed.

On November 27, 2020, the Magistrate Judge issued Report and Recommendation (“R&R”) [151] recommending “that the University’s motion to stay consideration of Doe’s motion for attorneys’ fees and costs [ECF No. 102] be **GRANTED**. It also **RECOMMENDS** that Doe’s bill of costs and motion for attorneys’ fees and the University’s Motion to Compel [ECF No. 94; ECF No. 95; ECF No. 103] be **DENIED WITHOUT PREJUDICE**, allowing the parties to refile them, if necessary, after the appellate litigation. Doe’s motion to amend/correct the bill of cost [ECF No. 106] should be **DENIED** as moot.” (ECF No. 151, PageID.3924-25).

Neither party having filed an objection to the R&R and the Court having reviewed the record, the R&R [151] is hereby **ADOPTED** and entered as the findings and conclusions of the Court. The Court of Appeals has since issued an opinion dismissing the appeal as moot and remanding the case to decide attorney

fees. (ECF No. 154). Denied post-judgment motions regarding attorney fees may be refiled, if necessary.

Accordingly,

**IT IS ORDERED** that the Report and Recommendation [151] is **ADOPTED**.

**IT IS FURTHER ORDERED** that Defendants' Motion to Stay [102] is **GRANTED**.

**IT IS FURTHER ORDERED** that Plaintiff's Motion for Attorney Fees [95] and Defendants' Motion to Compel [103] are **DENIED without prejudice**.

**IT IS FURTHER ORDERED** that Plaintiff's Motion to Amend Bill of Costs [106] is **DENIED as moot**.

**SO ORDERED.**

Dated: March 22, 2021

s/Arthur J. Tarnow

Arthur J. Tarnow

Senior United States District Judge